



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

Mr. Thomas Heaton  
Environmental Protection Manager  
Connecticut Valley Sanitary Waste Disposal, Inc  
600 New Ludlow Road  
South Hadley, MA 01075

Re: Operating Permit - Appendix C  
Application Number: BWP AQ 12  
Transmittal Number: X262142  
MassDEP Approval Number: WE-14-017

### **PROPOSED OPERATING PERMIT RENEWAL**

Dear Mr. Heaton:

In accordance with 310 CMR 7.00—APPENDIX C(6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("Department") is forwarding to EPA the attached Proposed Renewal Operating Permit for the Chicopee Landfill, located at 161 New Lombard Road in Chicopee, Massachusetts.

Public notice of the Draft Operating Permit was published by the Department in the Massachusetts Environmental Monitor on February 3, 2020, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on March 11, 2020. During that period, no comments were received. No public hearing was requested pursuant to 310 CMR 7.00: Appendix C(6)(f).

Attached for your review is the Proposed Renewal Operating Permit. It lists the applicable Federal and State Air Pollution Control Requirements and what is required of the facility in order for it to be considered in compliance with such applicable requirements.

Once EPA receives the Proposed Renewal Operating Permit, there is a minimum of 105 days before MassDEP can issue the FINAL permit. This period may be longer depending on objections from EPA and petitions from citizens. Should there be any issues raised during this period by EPA, MassDEP will notify you of any actions necessary. This time period, in no way, alters your facility's "application shield" nor the requirement for the facility to be operated in accordance with this Proposed Permit.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Notice of EPA Comment Period  
Connecticut Valley Sanitary Waste Disposal, Inc  
600 New Ludlow Road  
South Hadley, MA 01075  
Page 2 of 2

If you have any questions, please contact Robert Shultz of the MassDEP Western Regional Office at (413) 755-2210 or by e-mail at [Robert.Shultz@mass.gov](mailto:Robert.Shultz@mass.gov) or by mail at the address in the letterhead..

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Simpson", written over a horizontal line.

December 11, 2020

Date

Marc Simpson  
Air Quality Permit Chief  
Bureau of Air and Waste  
Western Region

ecc: Marc Simpson, Peter Czapienski, MassDEP WERO  
Yi Tian, MassDEP Boston



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### **PROPOSED** **AIR QUALITY OPERATING PERMIT**

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee" or "CVWSD"]:**  
Connecticut Valley Sanitary Waste Disposal, Inc.  
600 New Ludlow Road  
South Hadley, MA 01075

**FACILITY LOCATION:**  
Chicopee Landfill  
161 New Lombard Road  
Chicopee, MA 01020

**NATURE OF BUSINESS:**  
Sanitary Landfill

**RESPONSIBLE OFFICIAL:**  
Name: Stephen J. Poggi  
Title: Director of Disposal Operations

**INFORMATION RELIED UPON:**  
Application Number: BWP AQ 12  
Transmittal Number: X262142  
MassDEP Approval Number: WE-14-017

**FACILITY IDENTIFYING NUMBERS:**  
AQ ID: 0420233  
FMF FAC NO.: 291514  
FMF RO NO.: 358397

Standard Industrial Classification (SIC): 4953  
North American Industrial Classification System (NAICS): 562212

**FACILITY CONTACT PERSON:**  
Name: Thomas Heaton  
Title: Environmental Protection Manager  
Phone: 413-275 1512  
Email: THeaton@WM.com

**This Operating Permit shall expire on \_\_\_\_\_**

For the Department of Environmental Protection

\_\_\_\_\_  
Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

\_\_\_\_\_  
Date

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

### 1. PERMITTED ACTIVITIES

In accordance with the provisions of MassDEP regulation 310 CMR 7.00:Appendix C and applicable rules and regulations the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in MassDEP regulation 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Operating Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in MassDEP regulation 310 CMR 4.00 and this Operating Permit.

#### A. DESCRIPTION OF FACILITY AND OPERATIONS

Connecticut Valley Sanitary Waste Disposal, Inc. (“the Permittee”)(“CVWSD”) operates the Chicopee Landfill located at 161 New Lombard Road, Chicopee, MA. The landfill is a privately owned sanitary landfill classified under standard industrial code (“SIC”) 4953 – Refuse Systems. The landfill complex has been developed in six (6) phases. Phases 1-5 are closed and capped and Phase 6 is the current filling area.

Due to its size, the landfill is subject to the United States Environmental Protection Agency’s (“USEPA’s”) New Source Performance Standards (“NSPS”) for Landfills, regulation 40 CFR 60 Subpart WWW. The latest Non-Methane Organic Compounds (“NMOC”) calculations, performed in accordance with the NSPS are based on Tier 2 testing conducted in 2006. Results indicated that the 2007 NMOC emissions are greater than fifty (50) mega grams per year (“Mg/yr.”). Upon meeting or exceeding the NMOC emission rate of 50 Mg/yr., the landfill has become subject to the USEPA’s National Emission Standards for Hazardous Air Pollutants (“NESHAP”)for municipal solid waste landfills, regulation 40 CFR 63 Subpart AAAA.

The landfill has no emission units subject to Compliance Assurance Monitoring (“CAM”).

A comprehensive landfill gas (“LFG”) collection system is in place throughout all areas of the landfill. LFG is currently collected by an existing system of extraction wells, horizontal collectors, lateral and header pipes, vacuum blowers and ancillary equipment.

In 2001, MassDEP approved the installation of a LFG to energy (“LFGTE”) facility consisting of three (3) spark ignited reciprocating internal combustion engines (“RICE”) as the primary LFG control device for the landfill. Each engine is permitted for 16.94 million British Thermal Units per hour (“MMBTU/hr.”) and rated at 1894 kilowatts (“kW”) of electricity output. A fourth engine was permitted in 2009 and is rated at 19.76 MMBtu/hr. and 2156 kW. The LFGTE facility is owned, operated and permitted by Ameresco Chicopee Energy, LLC, through a MassDEP Title V Operating Permit, file number 1-0-11-020.

In 2003, MassDEP approved installation of a 1200 standard cubic feet per minute (“scfm”) PPC Constructors utility flare (Flare B), at the western perimeter of the Phase1 though 5 section of the landfill. In 2004, an approval by MassDEP was issued for a 2,800 scfm Parnel Utility flare (Flare C) located at the LFGTE facility. Flare C is rated for a maximum heat input rate of 84 MMBTU/hr. Flare B is used as a backup during downtime of Flare C and/or the LFGTE facility, to combust LFG from Phases 1-5. Flare C is primarily used as a standby flare to combust surplus LFG drawn to the LFGTE facility that is not utilized by the engines.

In 2010, the pre-existing Perennial Enclosed Flare (Flare A), was relocated from its original location adjacent to Phase 1-5 landfill area, to the western perimeter of Phase 6. Flare A is used as a backup flare during downtime of Flare C and/or the LFGTE facility to combust LFG from Phase 6 and Phases 1-5 as necessary.

### Massachusetts Greenhouse Gas Reporting Program

The Permittee is subject to the requirements of Greenhouse Gas Emissions Reporting as defined by MassDEP in 310 CMR 7.71(3)(a).

Pursuant to 310 CMR 7.71(2) *Definitions*: Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate changed including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

Table 1 lists the equipment (“emission units or EU’s”) subject to this Operating Permit. Table 2 describes the exempt activities that are not mentioned further in the Operating Permit. Tables 3, 4, 5 and 6 in this Operating Permit describe the applicable requirements that the EU’s are subject to in the Operating Permit.

## **2. EMISSION UNIT IDENTIFICATION**

The following emission units listed in Table 1 are subject to and regulated by this Operating Permit:

<b>Table 1</b>			
<b>EU</b>	<b>Description of EU</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU-1	Municipal Solid Waste Landfill	7,301,444 Mg	<u>Flare A</u> - Perennial Enclosed Flare rated at 1800 scfm & 45 MMBtu/hr. @ 50% methane. <u>Flare B</u> - PPC Constructors utility flare, rated at 1200 scfm & 36MMBtu/hr. @ 50% methane. <u>Flare C</u> - Parnel Utility Flare rated at 2800 scfm & 84 MMBtu/hr. @ 50% methane.

#### **Table 1 Key:**

EU = Emission Unit  
 SCFM = Standard Cubic Feet per Minute  
 Mg = Mega grams  
 % = percent

PCD = Pollution Control Device  
 MMBtu/hr. = Million British Thermal Units per hour  
 @ = at  
 & = and

### 3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to MassDEP regulation 310 CMR 7.12.	MassDEP regulation 310 CMR 7.00:Appendix C(5)(h)

#### 4. APPLICABLE REQUIREMENTS

##### A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

CVWSD is subject to the limits/restrictions as contained in Table 3 below:

Table 3					
EU-1	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval Number
Flare-A	Landfill gas 1800scfm	NO <sub>x</sub>	Combustion chamber exit temperature ≥1400°F  Minimum Residence Time = 0.60 seconds  45 MMBtu/hr. at 50% methane	2.7 lbs./hr. 11.8 tpy	MassDEP Plan Approvals:  1-B-98-027 1-P-05-033
		CO		6.8 lbs./hr. 29.8 tpy	
		SO <sub>2</sub>		14.15 lbs./hr. 61.96 tpy	
		PM10		2.75lbs./hr. 12.06 tpy	
		NMOC		0.73lbs/hr. 3.19 tpy 98% DRE or 20 ppm, @ 3% O <sub>2</sub> as C <sub>6</sub>	
Flare-B	Landfill gas 1200scfm	NO <sub>x</sub>	36 MMBtu/hr. at 50% methane.	2.17 lbs./hr. 9.46 tpy 0.06 lbs./MMBtu	MassDEP Plan Approval:  1-P-02-021
		CO		5.4 lbs./hr. 23.65 tpy 0.15 lbs./MMBtu	
		SO <sub>2</sub>		9.46 lbs./hr. 41.43 tpy	
		PM-10		0.61 lbs./hr. 2.67 tpy	
		NMOC		0.49 lbs./hr. 2.13 tpy 98% DRE or 20 ppm, @ 3% O <sub>2</sub> as C <sub>6</sub>	
Flare-C	Landfill gas 2800scfm	NO <sub>x</sub>	84 MMBtu/hr. at 50% methane	5.0 lbs./hr. 9.46 tpy 0.06 lbs./MMBtu	MassDEP Plan Approval:  1-P-04-017
		CO		12.6 lbs./hr. 23.65 tpy 0.15 lb./MMBtu	
		SO <sub>2</sub>		22.0 lbs./hr. 41.43 tpy	
		PM10		1.43 lbs./hr. 2.68 tpy	
		NMOC		1.13 lbs./hr. 2.13 tpy 98% DRE or 20 ppm, @ 3% O <sub>2</sub> as C <sub>6</sub>	



Table 3 (continued)					
EU-1	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval Number
Flare-A Flare-B Flare-C	Landfill Gas (collected)	NOx	Total Heat Input: 129,500 MMBtu/month 661,500 MMBtu/year	5.0 tpm      19.8 tpy 0.06 lbs./MMBtu	MassDEP Plan Approvals:  1-B-98-027 1-P-02-021 1-P-04-017 1-P-05-033
		CO		12.5 tpm      49.6 tpy 0.15 lbs./MMBtu	
		SO2		20.0 tpm      86.6 tpy	
		PM10		4.0 tpm      16.9 tpy	
		NMOC		1.0 tpm      4.5 tpy 98% DRE or 20 ppm, @ 3% O <sub>2</sub> as C <sub>6</sub>	
		VOC		1.0 tpm      3.8 tpy	
		Opacity		0% except for periods NTE 5 minutes during startup <b>-EXCEPT-</b> 5 minutes during startup ≤ 20% except 20% to ≤ 40% for ≤ 2 minutes during any one hour	MassDEP Plan Approvals:  1-B-98-027 1-P-02-021 1-P-04-017 1-P-05-033
				≤ 20% <b>-EXCEPT-</b> 20% to ≤ 40 % for ≤ 2 minutes during any 5 minute startup period	310 CMR 7.06(1)(b)
	Greenhouse gas <sup>1</sup>		N/A	310 CMR 7.71 (State only requirement )	
Facility-Wide	Fugitive Landfill Gas	CH <sub>4</sub>	N/A	< 500 ppmvd <sup>3</sup> (EPA Operational standard for surface methane concentrations)	40 CFR 60.753(d) 40 CFR 63 subpart AAAA

**Table 3 Key:**

EU-1 = Emission Unit 1;  
SO<sub>2</sub> = Sulfur Dioxide;  
hr. = hour;  
lbs./hr. = pounds per hour;  
O<sub>2</sub> = Oxygen;  
% = percent;

CO = Carbon Monoxide;  
ppm = parts per million;  
lbs. = pounds  
≤ = less than or equal to;  
C<sub>6</sub> = Hexane;  
TPY = tons per year;

NO<sub>x</sub> = Oxides of Nitrogen;  
NTE = Not to Exceed;  
Micron = one millionth of a meter;  
≥ = greater than or equal to;  
VOC = Volatile Organic Compound;  
TPM = tons per month;  
SCFM = Standard Cubic feet per minute'  
CMR = Code of Massachusetts Regulation  
ppmvd = part per million dry volume;

Year = any consecutive 12-month period;  
MMBtu/hr. = million British thermal units per hour;  
NMOC = Non-Methane Organic Compounds;  
PM<sub>10</sub> = Particulate matter less than or equal to 10 microns in diameter;  
98% DRE or 20 ppm @ 3% O<sub>2</sub> = parts per million by volume, 98% dry basis, as hexane corrected to 3 percent oxygen;

**Table 3 Foot Notes:**

1. Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
2. To calculate the amount of a consecutive 12 month rolling period take the current calendar month amount and add it to the previous 11 calendar months total amount.
3. Pursuant to 40 CFR §60.753(d) and §60.755(c), the methane concentration shall be less than 500 parts per million dry volume above background concentrations at the surface of the landfill. See Table 8, Condition 5, for additional requirements.

**B. COMPLIANCE DEMONSTRATION**

CVWSD is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and MassDEP regulation 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3, above:

<b>Table 4</b>	
<b>EU-1</b>	<b>Monitoring and Testing Requirements</b>
Flare A	1. In accordance with the Approval 1-B-98-027, Connecticut Valley Sanitary Waste Disposal, Inc. (“the Permittee”) (“CVWSD”) shall operate a temperature monitoring and recording device to continuously verify that the combustion chamber exit gas temperature is $\geq 1400^{\circ}$ F.
	2. In accordance with USEPA regulation 40 CFR 60.756(b)(1) CVWSD shall ensure that the temperature monitoring device shall be equipped with a continuous recorder which has a minimum accuracy of $\pm 0.5^{\circ}$ C.
	3. In accordance with USEPA regulation 40 CFR 60.756(b)(2) CVWSD shall install, calibrate and maintain a gas flow rate measuring device which shall record the flow at least every fifteen (15) minutes, or secure the bypass line valve in the closed position with a “car-seal” or “lock & key” type configuration and conduct a visual inspection of the closure mechanism at least once every month to ensure that the valve is maintained in the closed position.
	4. In accordance with the Approval 1-B-98-027 the Permittee shall, at the request of MassDEP, perform any testing determined to be necessary to verify compliance with the Approval or any other pertinent MassDEP or USEPA regulation.
	5. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(9)(b) CVWSD shall construct the facility to accommodate the emission testing requirements contained in USEPA regulation 40 CFR Part 60 Appendix A.
Flares B & C	6. In accordance with USEPA regulation 40 CFR 60.756(c), CVWSD shall install, calibrate, maintain and operate a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the presence of a flame and a device that records flow to or bypass of the flares, according to the manufacturer’s specifications.
	7. In accordance with USEPA regulation 40 CFR 60.756(b)(2) CVWSD shall install, calibrate and maintain a gas flow rate measuring device which shall record the flow at least every fifteen (15) minutes, or secure the bypass line valve in the closed position with a “car-seal” or “lock & key” type configuration and conduct a visual inspection of the closure mechanism at least once every month to ensure that the valve is maintained in the closed position.
	8. In accordance with the Approval 1-P-04-017 CVWSD shall, at the request of MassDEP, perform any testing determined to be necessary to verify compliance with the Approval or any other pertinent MassDEP or USEPA regulation.

<b>Table 4 (continued)</b>	
<b>EU-1</b>	<b>Monitoring and Testing Requirements</b>
Flares A,B,C	9. In accordance with 310 CMR 7.00 Appendix C(9)(b), CVWSD shall maintain a LFG flow recorder so that an on-site record of the volume of LFG fired in each air pollution control device will be available by date and time period. (state only)
	10. In accordance with 310 CMR 7.00 Appendix C(9)(b), CVWSD shall maintain records of the heat input of LFG (Btu) fired in the flares for each month and for each 12 month rolling period on-site. These heat input records may be generated by gas chromatograph and/or field measurements. (state only)
	11. In accordance with 310 CMR 7.00 Appendix C(9)(b), CVWSD shall maintain the ability to demonstrate that emission rates are at or below the levels stated in Table 3 of this Operating Permit and shall be demonstrated to the MassDEP upon request.
	12. In accordance with 310 CMR 7.13, CVWSD shall conduct stack testing, upon written request of MassDEP, for any air contaminant for which MassDEP has determined testing is necessary, to ascertain compliance with MassDEP regulations or design approval requirements. All such testing shall be conducted in accordance with MassDEP regulation 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in USEPA regulation 40 CFR 60 Appendix A or other method(s) if approved by MassDEP and USEPA.
	13. Emissions Compliance Testing (Stack Testing), conducted pursuant to Table 4 items 4 and 8 above, shall be performed in accordance with MassDEP regulation 310 CMR 7.13, and USEPA Regulation 40 CFR Part 60 Appendix A (Method 7E for oxides of nitrogen (NOX), Method 6C for sulfur dioxide (SO2), Method 10 for carbon monoxide (CO), Methods 1 thru 5 for particulate matter (PM), Method 3A for oxygen (O2), Method 9 for opacity (including detached plumes), Method 25, 25C or Method 18 must be used to determine compliance with NMOC emission limits unless another method to determine compliance has been approved by MassDEP. If the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as hexane), Method 25A shall be used in place of Method 25. Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements stipulated in 40 CFR Part 60, Appendix A.
	14. In accordance with 40 CFR 60 subpart WWW and 40 CFR subpart AAAA, the permittee shall comply with all applicable monitoring and testing requirements of §§60.745, 60.755 and 60.756 to include but not be limited to: a) In accordance with §60.756(a), install a sampling port and a thermometer, or other temperature monitoring device, or access port for temperature measurements at each wellhead, and; i) Measure the gauge pressure in the gas collection header on a monthly basis as provided in §60.755(a)(3). ii) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in §60.755(a)(5). iii) Monitor temperature in the landfill on a monthly basis as provide in § 60.755(a)(5). b) In accordance with §60.756(f), monitor surface concentrations of methane along entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or site specific established spacing) foreach collection area as provided for in §60.755(c) and §60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip the annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.
	15. CVWSD shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by MassDEP Regulation 310 CMR 7.12.
	16. In accordance with 310 CMR 7.71(1) and Appendix C(9), CVWSD shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF <sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, Acts of 2008, c. 298, § 6. (State only requirement)

**Table 4 Key:**

EU -1 = Emission Unit One;	CO = Carbon Monoxide
O <sub>2</sub> = Oxygen	NO <sub>x</sub> = Nitrogen Oxides;
PM = Total Particulate Matter	NMOC = Non Methane Organic Compounds
USEPA = United States Environmental Protection Agency	LFG = Landfill Gas;
MassDEP = Massachusetts Department of Environmental Protection	ppm = part per million
SO <sub>2</sub> = Sulfur Dioxide	BTU = British Thermal Unit
12 month rolling = any continuous 12 month period;	° C = degrees Centigrade
CO <sub>2</sub> = Carbon Dioxide;	± = plus or minus
≥ = greater than or equal to;	° F = degrees Fahrenheit; % = percent
≤ = less than or equal to	§ = Section
CFR = Code of Federal Regulation	c. = chapter
CMR = Code of Massachusetts Regulation	M.G.L. = Massachusetts General Law

<b>Table 5</b>	
<b>EU-1</b>	<b>Record Keeping Requirements</b>
Flare A	1. In accordance with Approval 1-B-98-027, CVWSD shall maintain a record of routine maintenance activities performed on the emission unit control and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed. These records shall be kept on site for five years and shall be made available to MassDEP personnel upon request.
	2. In accordance with Approval 1-B-98-027, CVWSD shall maintain a record of all malfunctions on emission control and monitoring equipment which shall include, at a minimum, the date and time the malfunctions occurred, a description of the malfunctions and the corrective action taken, the date and time corrective actions were initiated, and the date and time corrective actions were completed and the unit returned to compliance. These records shall be kept on site for five years and shall be made available to MassDEP personnel upon request.
	3. In accordance with Approval 1-B-98-027, CVWSD shall maintain a record of the flare operating temperature. This record shall be kept on site for five years and shall be made available to MassDEP personnel upon request.
	4. In accordance with USEPA regulation 40 CFR 60.758(c), CVWSD shall keep for five (5) years up-to-date and readily accessible continuous records of equipment operating parameters specified to be monitored in USEPA regulation 40 CFR 60.756 as well as up-to-date accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. An exceedance in USEPA regulation 40 CFR 60.758(c)(1) is defined as all 3-hour periods of operation during which the average combustion temperature was more than 28 degrees Celsius below the average combustion temperature during the most recent performance test at which compliance with USEPA regulation 40 CFR 752(b)(2)(iii) was determined.
	5. In accordance with MassDEP regulation 310 CMR 7.02 (3)(e), CVWSD shall maintain records of the volume of LFG (scf) fired in each flare for each month and for twelve-month rolling period on-site.
Flares B and C	6. In accordance with USEPA regulation 40 CFR 60.758(c)(4), CVWSD shall keep up-to-date and readily accessible continuous records of the flame or flare pilot flame monitoring specified under §60.756(c) and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.
	7. In accordance with Approvals 1-P-02-021 and 1-P-04-017, CVWSD shall maintain records of the volume of LFG (scf) fired in each flare for each month and for twelve-month rolling period on-site.

<b>Table 5 (continued)</b>	
<b>EU-1</b>	<b>Record Keeping Requirements</b>
Flares B and C	8. In accordance with Approvals 1-P-02-021 and 1-P-04-017, CVWSD shall maintain records of the heat input of LFG (Btu) fired in the flares for each month and rolling twelve-month rolling period on-site.
	9. In accordance with Approvals 1-P-02-021 and 1-P-04-017, CVWSD shall maintain emission rate records of NO <sub>x</sub> , CO, NMOC, PM and SO <sub>2</sub> for each month and rolling twelve-month period for the flares on-site.
Flares A, B, C	10. In accordance with 40 CFR 60 subpart WWW and 40 CFR subpart AAAA, the permittee shall comply with all applicable recordkeeping requirements of §60.758 and §63.1980, to include but not be limited to: <ul style="list-style-type: none"> <li>a) Keep up-to-date, readily accessible records, for the life of the control equipment, of specified data as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of control equipment vendor specifications shall be maintained until removal of the specified unit.</li> <li>b) Keep for 5 years up-to-date and readily accessible continuous records of the equipment operating parameters specified to be monitored in §60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.</li> <li>c) Keep for 5 years up-to-date and readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines.</li> <li>d) Keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.</li> <li>e) As required by §63.1980(b), keep records and reports as specified in the general provisions of 40 CFR 60 and 40 CFR 63 including items such as SSM plans and SSM plan reports.</li> </ul>
	11. In accordance with 40 CFR §60.755(c)(4), the Permittee shall maintain records of all surface monitoring events, methane concentrations that exceed 500 ppmvd, and corrective action(s). The Permittee shall record any reading of 500 ppmvd or more above background at any location as a monitored exceedance and any actions that were taken as described in 40 CFR §60.755(c)(4)(i) through (v).
	12. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(10)(b), CVWSD shall maintain records of all monitoring data and supporting information on-site (which includes the South Hadley Office) for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.
	13. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(10)(b), CVWSD shall maintain an operation log, or other record keeping system, on-site at a level of detail sufficient to document the operation limits contained in this Operating Permit are not exceeded.
	14. In accordance with MassDEP regulation 310 CMR 7.12(3)(c), copies of Source Registration and other information supplied to MassDEP to comply with 310 CMR 7.12, shall be retained by the facility owner or operator for five years from the date of submittal.
	15. CVWSD shall, contemporaneously with making a change authorized by this Operating Permit from one alternative operating scenario to another, enter in a log at the facility a record of the scenario under which it is operating. CVWSD shall record changes from one scenario to another contemporaneously with the change, as provided in MassDEP regulation 310 CMR 7.00:Appendix C(10)(g).
	16. In accordance with MassDEP regulation 310 CMR 7.71 (6) (b) and (c), CVWSD shall retain at the Facility for five years and make available to MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions. (State only requirement)

**Table 5 Key :**

EU = Emission Unit ; NO<sub>x</sub> = Nitrogen Oxides; ppm = part per million; CO = Carbon Monoxide; SO<sub>2</sub> = Sulfur Dioxide  
LFG = Landfill Gas; PM = Total Particulate Matter; BTU = British Thermal Unit; 12 month rolling = any continuous 12 month period  
NMOC = Non Methane Organic Compounds; ° C = degrees Centigrade; scf = standard cubic feet  
USEPA = United States Environmental Protection Agency; MassDEP = Massachusetts Department of Environmental Protection  
CFR = Code of Federal Regulations; CMR = Code of Massachusetts Regulations

Table 6	
EU-1	Reporting Requirements
Flares A, B, C	1. In accordance with USEPA regulation 40 CFR Part 60 Subpart WWW, and 40 CFR 63 Subpart AAAA, the Permittee shall comply with all applicable reporting requirements of §60.757 and §63.1980, to include but not limited to: a) Submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment. b) Submit to the Administrator semi-annual reports of the recorded information listed below in accordance with 40 CFR 60.757(f) and 40 CFR 63.1980(a): i) Value and length of time for exceedance of applicable parameters monitored under §60.756(a), (b), (c) and (d). For enclosed combustion devices (e.g. enclosed flare), reportable exceedances are defined under § 60.758(c) as all 3-hour periods of operation during which the average combustion temperature was more than 28° C below the average combustion temperature during the most recent performance test at which compliance with § 60.752(b)(2)(iii) was determined. ii) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under §60.756. iii) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating. iv) All periods when the collection system was not operating in excess of 5 days. v) The location of each exceedance of the 500 ppm methane concentration. vi) The date of installation and the location of each well or collection system expansion added.
	2. In accordance with MassDEP regulation 310 CMR 7.12(2), CVWSD shall submit a Source Registration/Emission Statement form to MassDEP on an annual basis.
	3. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two summaries (one by January 31 for the time period July-December of the previous calendar year, and the other by July 31 for the time period January-June of the current calendar year) of all monitoring data and related supporting information. The summaries shall correspond to items in Table 4 of this Operating Permit and shall include, at a minimum, the lowest landfill flare combustion temperature and the highest opacity for the landfill flare measured during the reporting period.
	4. In accordance with MassDEP regulation 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with MassDEP regulations or design approval provisions, CVWSD shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed to pretest protocol.
	5. In accordance with MassDEP regulation 310 CMR 7.13(1)(d), CVWSD shall submit to MassDEP any stack test results for any air contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol.
	6. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(5)(b)9., submit annually, from the date of issuance, a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")



<b>Table 6 (continued)</b>	
<b>EU-1</b>	<b>Recordkeeping Requirements</b>
Flares A, B, C	7. In accordance with General Condition 10 of this Permit, CVWSD shall submit the Annual Compliance report to MassDEP and EPA by January 31 of each year.
	8. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(10)(a), CVWSD shall submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA.
	9. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(10)(f), CVWSD shall promptly report to MassDEP's Bureau of Air and Waste, all instances of deviations from permit requirements, by telephone or fax, within 3 days (72 hours) of discovery of such deviation followed by a written report within ten (10) days of discovery. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Deviations are instances where any permit condition is violated and has not already been reported as an emergency pursuant to section 24 of this permit. Deviations shall also be reported in writing in the semi-annual compliance reports.
	10. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit by April 15 <sup>th</sup> of each year a greenhouse gas emission report to MassDEP. (State only requirement)

**Table 6 Key**

EU = Emission Unit;  
 CO2 = Carbon Dioxide

§ = section

USEPA = United States Environmental Protection Agency

CFR = Code of Federal Regulations;

PCD = Pollution Control Device;

°C = degrees Centigrade

ppm = parts per million

MassDEP = Massachusetts Department of Environmental Protection

CMR = Code of Massachusetts Regulations

**C. GENERAL APPLICABLE REQUIREMENTS**

CVWSD shall comply with all generally applicable requirements contained in 310 CMR 7.00 et seq. and 310 CMR 8.00 et. seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

CVWSD is currently not subject to the following requirements:

<b>Table 7</b>	
<b>Regulation</b>	<b>Reason</b>
MassDEP regulation 310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 250 people
USEPA regulation 40 CFR Part 64, Compliance Assurance Monitoring	Facility has no Emission Units subject to CAM.

**Table 7 Key**

MassDEP = Massachusetts Department of Environmental Protection;

USEPA = United States Environmental Protection Agency;

CAM = Compliance Assurance Monitoring;

CMR = Code of Massachusetts Regulation;

CFR = Code of Federal Regulations;

## 5. SPECIAL TERMS AND CONDITIONS

CVWSD is subject to and shall comply with the following special terms and conditions that are not contained in Table 3, 4, 5, and 6 above:

Table 8	
EU	Special Terms and Conditions
Facility-wide	1. CVWSD is subject to, and has stated in their operating permit application, Transmittal Number X262142, that they are in compliance with the requirements of USEPA regulation 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.
	2. In accordance with Approval 1-P-05-033, CVWSD shall operate the flares at all times when the collected landfill gas is routed to the flares.
	3. In accordance with MassDEP regulation 310 CMR 7.00 Appendix C(3)(g)12, CVWSD shall provide MassDEP personnel immediate access to the plant site, buildings, and all pertinent records for the purposes of making inspections and surveys, obtaining data and reviewing records.
	4. In accordance with USEPA regulation 40 CFR Part 63, Subpart AAAA (§63.1960), CVWSD shall maintain a written Start-up, Shut-down, Malfunction (“SSM”) plan according to the provisions of USEPA regulation 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site.
	5. CVWSD is subject to the requirements of 40 CFR 63.1 through 63.15 inclusive. Sub-part A <u>General Provisions</u> (as indicated in Table 1 of USEPA regulation 40 CFR 63, Subpart AAAA). Compliance with all applicable provisions therein is required.
	6. In accordance with MassDEP regulation 310 CMR 7.09, CVWSD shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. (State enforceable only)
	7. In accordance with MassDEP regulation 310 CMR 7.10, CVWSD shall not cause or allow emissions of sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution. (State enforceable only)
	8. In accordance with MassDEP regulation 310 CMR 7.12(4), MassDEP may verify the information submitted for Source Registration by inspecting the facility at any time.

**Table 8 Key:**

EU = Emission Unit

USEPA = United States Environmental Protection Agency

SSM = Start-up, Shut-down Malfunction;

CFR = Code of Federal Regulations

MassDEP = Massachusetts Department of Environmental Protection

CMR = Code of Massachusetts Regulations

## 6. ALTERNATIVE OPERATING SCENARIOS

CVWSD did not request alternative operating scenarios in its Operating Permit application.

## 7. EMISSIONS TRADING

### A. INTRA-FACILITY EMISSION TRADING

CVWSD did not request intra-facility emissions trading in its Operating Permit application.

### B. INTER-FACILITY EMISSION TRADING

CVWSD did not request inter-facility emissions trading in its Operating Permit application.



## **8. COMPLIANCE SCHEDULE**

CVWSD has indicated that the Facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, CVWSD shall comply with any applicable requirements that become effective during the Permit term.

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

## **9. FEES**

CVWSD has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

## **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to CVWSD via the MassDEP's web site:

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

### **A. Annual Compliance Report and Certification**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Air Compliance Clerk, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

**B. Semi-Annual Monitoring Summary Report and Certification**

The Responsible Official shall certify, semi-annually on the calendar year, that the Facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 31 and July 31 to MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

**11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve CVWSD from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

**12. PERMIT SHIELD**

- A. This Facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in CVWSD's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that CVWSD is not currently subject to the requirements listed in Section 4, Table 7 of this Operating Permit.
- C. Nothing in this Permit shall alter or affect the following:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
  - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

### **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.70, 7.71, 7.72, 7.74, 7.75 and any condition(s) designated as "state only requirement" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

### **14. PERMIT TERM**

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates CVWSD's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

### **15. PERMIT RENEWAL**

Upon the MassDEP's receipt of a complete and timely application for renewal, this Facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

## **16. REOPENING FOR CAUSE**

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the Facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by CVWSD for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

## **17. DUTY TO PROVIDE INFORMATION**

Upon the MassDEP's written request, CVWSD shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, CVWSD shall furnish to the MassDEP copies of records that CVWSD is required to retain by this Permit.

## **18. DUTY TO SUPPLEMENT**

CVWSD, upon becoming aware that any relevant facts were omitted, or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. CVWSD shall also provide additional information as necessary to address any requirements that become applicable to the Facility after the date a complete renewal application was submitted but prior to release of a draft permit.

CVWSD shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This Permit is not transferable by CVWSD unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

## **20. PROPERTY RIGHTS**

This Permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, CVWSD shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. Enter upon CVWSD's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;

- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

CVWSD shall have available at the Facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

CVWSD shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, CVWSD shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that CVWSD can identify the cause(s) of the emergency;
- B. the permitted Facility was at the time being properly operated;
- C. during the period of the emergency, CVWSD took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- D. CVWSD submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6 of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

CVWSD shall report to the MassDEP's Regional Bureau of Air and Waste the following deviations from permit requirements, by telephone, by fax or by electronic mail (e-mail), within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by this Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, this Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by this Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Air and Waste Air Operating Permit Reporting Kit, which is available to CVWSD via the MassDEP's web site: <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Air and Waste within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

CVWSD is allowed to make changes at the Facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided CVWSD gives the EPA and the MassDEP written notice fifteen (15) days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the Facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments - CVWSD may make changes at the Facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - CVWSD may make changes at the Facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - CVWSD may make changes at the Facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

## **28. OZONE DEPLETING SUBSTANCES**

This section contains air pollution control requirements that are applicable to this Facility, and the United States Environmental Protection Agency enforces these requirements.

- A. CVWSD shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.



- 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. CVWSD shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If CVWSD manufactures, transforms, imports or exports a class I or class II substance, CVWSD is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If CVWSD performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), CVWSD is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. CVWSD shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **29. PREVENTION OF ACCIDENTAL RELEASES**

This section contains air pollution control requirements that are applicable to this Facility and the United States Environmental Protection Agency enforces these requirements.

This Facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.



## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the Facility must continue to comply with all existing federal and state applicable requirements to which the Facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the Facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) and a completed Adjudicatory Hearing Fee Transmittal Form found at <http://www.mass.gov/eea/docs/dep/service/adr/adjherfm.doc> must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.